



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1822 OF 2023

Karan @ Hanumant Shivaji Kamble

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shahed Ali Ansari, for the Applicant.

Mr. P. H. Gaikwad, APP for the Respondent-State.

Mr. Vaibhav Pawar, A.P.I. attached to Shikrapur Police Station, Pune Rural present.

CORAM Madhav J. Jamdar, J.

DATED: 30th January 2024PC:-

1. Heard Mr. Ansari, learned Counsel appearing for the Applicant and Mr. Gaikwad, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	643 of 2022
2.	Date of registration of F.I.R.	13/07/2022
3.	Name of Police Station	Shikrapur Police Station, Pune Rural, District-Pune
4.	Section/s invoked	395, 364-A, 386, 323, 504 and 506 r/w. 34 of the I.P.C., 1860

5.	Date of incident	11/07/2022
6.	Date of arrest	14/07/2022
7.	Date of filing Charge-sheet	07/10/2022

3. According to the prosecution case, on the date of alleged incident which has occurred on 11th July 2022, the present Applicant and other co-Accused have abducted the Complainant and robbed him of cash worth Rs.57,000/- and his cellular phone worth Rs.30,000/-.

4. Mr. Ansari, learned Counsel appearing for the Applicant submitted that two co-Accused have already been enlarged on bail by Order dated 26th April 2023 passed by a learned Single Judge (Coram:N. R. Borkar, J.) and by Order dated 7th September 2023 passed by a learned Single Judge (Coram: M. S. Karnik, J.). He submitted that although recovery is shown at the instance of the Applicant, however the same is from a tin shed in the open space. He submitted that although there are criminal antecedents against the Applicant, he has been enlarged on bail in all the previous cases.

5. On the other hand, Mr. Gaikwad, learned APP strongly opposed the Application. He submitted that although co-Accused have been released on bail, parity shall not be applicable as there is recovery of a cellular phone at the instance of the Applicant. He submitted that in the Test Identification (“T.I.”) Parade, the Applicant has been identified. He submitted that there are about 6 criminal antecedents against the Applicant. He therefore submitted that the Bail Application be rejected.

6. Perusal of the orders passed by learned Single Judge (Coram:N. R. Borkar, J.) and (Coram: M. S. Karnik, J.) shows that it is specifically observed that there is no recovery of incriminating material at the instance of the concerned Applicant. However, it is the contention of learned Counsel appearing for the Applicant that recovery of cellular phone is from the tin shade in the open space.

7. As far as second incriminating material regarding T.I. Parade is concerned, the date of incident is 11th July 2022 and F.I.R. has been lodged on 13th July 2022. The Applicant has been arrested on 14th July 2022 and T.I. parade was conducted on 29th September 2022. Therefore, there is a delay in conducting the T.I. parade.

8. As far as criminal antecedents are concerned, they are of the year 2015, 2016, 2017 and 2018, and that only one antecedent which is of the year 2015 had occurred in the Pune District.

9. The Charge-sheet has been filed on 7th October 2022. There are about 24 witnesses proposed to be examined by the prosecution as per the Charge-sheet. The Applicant is incarcerated for about one and half year.

10. Mr. Ansari, learned Counsel appearing for the Applicant states that as several witnesses are residing in the Pune District, the Applicant will therefore not reside within Pune District and that the Applicant will reside at C/o. Sareeka Shivaji Kamble, Kranti Nagar, Near Railway Station, Purna Junction, Taluka-Purna, District-Parbhani, Maharashtra 431511.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, by imposing stringent conditions, the Applicant can be enlarged on bail. In view thereof, the following order:-

ORDER

- (a) The Applicant-Karan @ Hanumant Shivaji Kamble be released on bail in connection with C. R. No.643 of 2022 registered with the Shikrapur Police Station, Pune Rural, Taluka-Shirur, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Pune District after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Purna Police Station, Taluka-Purna, District-Parbhani twice every week for

first three months on every Monday and Thursday between 11.00 a.m. and 1.00 p.m. and thereafter once in a week on every Monday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Purna Police Station, Taluka-Purna, District-Parbhani to communicate details thereof to the Investigating Officer.

- (e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

(Madhav J. Jamdar, J.)